

GGRM LAW FIRM

JASON D. GUINASSO, ESQ.

Nevada Bar No. 8478

BRENOCH WIRTHLIN, ESQ.

Nevada Bar No. 10282

2770 S. Maryland Parkway, Ste. 100

Las Vegas, NV 89109

Phone: 702.384.1616 ~ Fax: 702.384.2990

Email: jguinasso@ggrmlawfirm.com

bwirthlin@ggrmlawfirm.com

SALTZ MONGELUZZI BENDESKY P.C.

ROBERT J. MONGELUZZI/ANDREW R. DUFFY/

MICHAEL A. BUDNER/ MAX H. DEHON

PA BAR IDENTIFICATION NO. 36283/77121/314776/334148

52ND FLOOR

1650 MARKET STREET

PHILADELPHIA, PA 19103

(215) 496-8282

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KYLE MITRIONE AND
KAROLINA MELSKA, H/W

Plaintiffs,

vs.

CIRQUE DU SOLEIL AMERICA NEWCO,
INC., CIRQUE DU SOLEIL NEVADA
NEWCO, INC., CIRQUE DU SOLEIL
VEGAS, LLC, CIRQUE DU SOLEIL
HOLDING USA NEWCO, INC., CIRQUE
APPLE LAS VEGAS, LLC, CIRQUE APPLE
ADMINISTRATION, LLC, DOES I
THROUGH X, AND ROE CORPORATIONS
I THROUGH X,

Defendants.

Case No.: 2:24-cv-00916-CDS-BNW

**AMENDED STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER**

SUBMITTED WITH SPECIAL
SCHEDULING REVIEW REQUESTED

Pursuant to Federal Rule Civil Procedure 26(f), Local Rule 26-1(b), and this Court's Minute Order, ECF No. 58, the parties submit this Amended Stipulated Discovery Plan and Scheduling Order.

1. Meeting:

Plaintiffs' counsel Jason D. Guinasso and Defendants' counsel Ryan T. Gormley discussed this matter via telephone on December 30, 2024.

2. Fed. R. Civ. P. 26(a) Initial Disclosures:

The parties are in discussions regarding a potential stay of this matter. To allow for additional time for such a stipulation to be filed, if any, the parties agree to exchange their Rule 26(a)(1) initial disclosure on or before **February 14, 2025**.

3. Areas of Discovery:

Subject to discussions related to the potential stay, Plaintiffs' position is that discovery should open as to all matters discoverable under the Federal Rules of Civil Procedure.

Defendants' position is that subject to discussions related to the potential stay and the to-be filed motion in response to the First Amended Complaint, discovery should be staggered to first allow for discovery related to the workers' compensation issue, as opposed to full discovery.

4. Special Scheduling Review Requested:

The parties request that the Court review the matter for special scheduling under LR 26-1(b). This is a complicated personal injury action. Plaintiff Kyle Mitrione sustained catastrophic injuries and is still receiving treatment for the foreseeable future. There will be many witnesses, medical providers, and experts. Written discovery will also be more complicated than a typical personal injury action.

///

1 **5. Discovery Plan:**

2 **A. Discovery Deadlines:** The parties agree that the Court should adopt the
3 following Discovery Plan and Scheduling Order.

- 4
- | | | |
|----|----------------------------------|-------------------|
| 5 | 1. Filing Motions to Amend: | December 13, 2025 |
| 6 | 2. Initial Expert Disclosures: | January 13, 2026 |
| 7 | 3. Rebuttal Expert Disclosures: | March 14, 2026 |
| 8 | 4. Last Day to Extend Discovery: | April 22, 2026 |
| 9 | 5. Discovery Cut-Off: | May 13, 2026. |
| 10 | 6. Dispositive Motions: | June 13, 2026 |
| 11 | 7. Pre-Trial Order: | July 14, 2026 |

12 **B. Amending the Pleadings and Adding Parties:** The parties request to have
13 until **December 13, 2026** to file any motions to amend the pleadings to add parties.

14 **C. Disclosure of Experts FRCP 26(a)(2):** The parties request to have the
15 disclosure of experts proceed according to Federal and Local Rules as follows: The disclosures of
16 experts and their initial reports should occur on or before **January 13, 2026**. The disclosure of
17 rebuttal experts and their initial reports should occur on or before **March 14, 2026**. These deadlines
18 are respectively 120 and 60 days before the discovery cut-off date, respectively. The parties seek
19 additional time between the initial and rebuttal expert disclosure deadline and between the rebuttal
20 expert disclosure deadline and the discovery cut-off to allow for expert depositions considering the
21 likely number of experts in the case.

22 **D. Dispositive Motions:** The parties request that the dispositive motion
23 deadline should be **June 13, 2026**, which is 30 days after the discovery cut-off date.

1 **E. Pre-Trial Order:** The parties request that the Joint Pre-Trial Order deadline
 2 should be on or before **July 14, 2026**, which is not more than 30 days after the date set for filing
 3 dispositive motions in the case, as required by LR 26-1(b)(4). This deadline will be suspended if
 4 dispositive motions are timely filed until 30 days after the decision of the dispositive motions or
 5 until further order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections
 6 thereto, shall be made in the pre-trial order.

7 **F. Extensions and Modification of the Discovery Plan and Scheduling**
 8 **Order:** LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling
 9 Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling
 10 order must be made no later than 21 days before the subject deadlines. Any stipulation or motion to
 11 extend the discovery cut-off period must be made not later than **April 22, 2026**, which is 21 days
 12 before the discovery cut-off date.

13 **G. Electronic Exchange of Discovery Documents:** In order to save time and
 14 cost, the parties agree to exchange discovery documents through electronic mail, whether as
 15 attachments or links to download the materials (i.e. OneDrive, Dropbox, etc.) This includes but is
 16 not limited to discovery requests, responses, production of documents, and deposition notices.
 17 Service shall be deemed completed on the date and time the email is sent. Email service must be
 18 done as follows, subject to notice of any changes thereto:

19 a. Cirque Defendants: rgormley@wwhgd.com; lroberts@wwhgd.com;
 20 abonney@wwhgd.com; kpierce@wwhgd.com.

21 b. Plaintiffs: MBudner@smbb.com; lclavin@smbb.com

22 ///

23 ///

1 **H. FRCP 26(a)(3) Disclosures:** Unless the discovery plan otherwise provides
2 and the court so orders, the disclosures required by FRCP 26(a)(3) and any objections thereto shall
3 be included in the pretrial order.

4 **I. Alternative Dispute Resolution:** The parties certify they have met and
5 conferred about the possibility of using alternative dispute-resolution processes including
6 mediation, arbitration and early neutral evaluation.

7 **J. Alternative Forms of Case Disposition:** The parties certify they
8 considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73 and
9 the use of the Short Trial Program (General Order 2013-01). The appearing parties agree that these
10 are avenues that the parties may pursue.

11
12 **K. Electronic Evidence:** The parties addressed the e-discovery
13 issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
14 do not anticipate discovery of native files or metadata at this time, but each party
15 reserves the right to make a showing for the need of such electronic data as discovery
16 progresses. The parties certify that they may present evidence in electronic format to
17 jurors for the purposes of jury deliberation in compliance with the Court's electronic jury
18 evidence display system.

19 **L. Court Conferences:** If the Court has questions regarding the
20 dates proposed by the parties, the parties request a conference with the Court before
21 entry of the Scheduling Order. If the Court does not have questions, the parties do not
22 request a conference with the Court.

23 ///

1 **M. Trial Judge:** The parties agree and would like the Honorable
2 Christina Silva to be the trial judge.

3 **N. Issues Related to Claims of Privilege or Attorney Work Product.**

4 The parties agree to be bound by Federal Rule of Evidence 502 regarding the disclosure
5 of privileged material or work product. Further, the parties acknowledge and agree that while
6 each is taking reasonable steps to identify and prevent disclosure of any document which they
7 believe is privileged, there is a possibility that certain privileged material may be produced
8 inadvertently. Accordingly, the parties agree that a party who produces a document protected
9 from disclosure by the attorney-client privilege, attorney work product doctrine or any other
10 recognized privilege ("privileged document") without intending to waive the claim of privilege
11 associated with such document may promptly, meaning within fifteen (15) days after the
12 producing party actually discovers that such inadvertent disclosure occurred, amend its
13 discovery response and notify the other party that such document was inadvertently produced
14 and should have been withheld. Once the producing party provides such notice to the
15 requesting party, the requesting party must promptly, meaning within seventy-two (72) hours,
16 return the specified document(s) and any copies thereof.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

By complying with this obligation, the requesting party does not waive any right to challenge the assertion of privilege and may request an order of the Court denying such privilege.

Dated: January 14, 2025.

Dated January 14, 2025.

SALTZ MONGELUZZI BENDSKY P.C.

WEINBERG, WHEELER, HUDGINS, GUNN &
DIAL, LLC

/s/ Jason D. Guinasso

Jason D. Guinasso, Esq.

GGRM LAW FIRM

2770 South Maryland Parkway

Suite 100

Las Vegas, NV 89109

Robert J. Mongeluzzi, Esq. (PHV)

Andrew R. Duffy, Esq. (PHV)

Michael A. Budner, Esq. (PHV)

Max H. Dehon, Esq. (PHV)

Market Street, 52nd Floor

Philadelphia, PA 19103

Attorneys for Plaintiffs

/s/ Ryan T. Gormley

D. Lee Roberts, Jr., Esq.

Nevada Bar No. 8877

Ryan T. Gormley, Esq.

Nevada Bar No. 13494

6385 South Rainbow Blvd.,

Suite 400

Las Vegas, Nevada 89118

Attorneys for Defendants

ORDER

The Court GRANTS in part and DENIES in part the proposed, amended discovery plan and scheduling order ("Amended DPSO") at ECF No. 60. The Amended DPSO is granted, except that the following deadlines will govern:

Discovery Cutoff: 2/16/2026 (12 months from the parties anticipated FRCP 26(f) conference on February 14, 2025, and approximately 14 months from the order on Defendants' motion to dismiss)

Amended Pleadings: 11/18/2025 (90 days prior to the close of discovery)

FRCP 26(a)(2) Expert Disclosures: 12/18/2025 (60 days prior to the close of discovery)

Rebuttal Expert Disclosures: 1/18/2026 (30 days after the initial expert disclosures)

Dispositive Motions: 3/18/2026 (30 days after the close of discovery)

Joint, Pretrial Order: 4/17/2026 (30 days after the dispositive-motion deadline) or 30 days after a decision on the dispositive motion, whichever is later.

DATED: January 16, 2025



UNITED STATES MAGISTRATE JUDGE